

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LOUISIANA WHOLESALE DRUG CO., INC.,)	Civil Action No. 07-cv-7343 (HB)
)	
Plaintiff,)	Hon. Harold Baer, U.S.D.J.
)	ECF CASE
v.)	
)	
SANOFI-AVENTIS U.S., LLC and)	
AVENTIS PHARMACEUTICALS, INC.,)	
)	
Defendants.)	
)	

**DEFENDANTS SANOFI-AVENTIS U.S., LLC AND
AVENTIS PHARMACEUTICALS, INC.'S
MOTION FOR SUMMARY JUDGMENT**

NOW INTO COURT, through its undersigned counsel, come Defendants sanofi-aventis u.s. llc, and Aventis Pharmaceuticals, Inc. (collectively, “Aventis”), who pursuant to Fed. R. Civ. P. 56(c), respectfully move the Court for an Order granting summary judgment in its favor in the above-captioned matter. The undisputed material facts and applicable principles of law warrant judgment in Aventis’ favor.

The reasons and bases for this Motion are fully set forth in the accompanying Memorandum of Points and Authorities, which is incorporated by reference herein.

WHEREFORE Aventis respectfully requests that the Court enter an Order granting its Motion for Summary Judgment.

Dated: August 1, 2008

Respectfully submitted,

/s/ Christopher R. Farrell
John M. Majoras
Julia E. McEvoy (admitted *pro hac vice*)
Christopher R. Farrell (admitted *pro hac vice*)
Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001
Tel.: 202-879-3939
Fax: 202-626-1700

Michelle K. Fischer (admitted *pro hac vice*)
Brian K. Grube (admitted *pro hac vice*)
Jones Day
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114-1190
Tel.: 216-586-3939
Fax.: 216-579-0212

*Counsel for SANOFI AVENTIS US LLC and
AVENTIS PHARMACEUTICALS INC.*

CERTIFICATE OF SERVICE

I, Christopher R. Farrell, certify that the foregoing Motion for Summary Judgment was served on August 1, 2008, on the counsel listed below in the manner(s) indicated below:

Via Electronic Mail:

Bruce E. Gerstein
Barry S. Taus
Anne K. Fornecker
GARWIN GERSTEIN & FISHER LLP
1501 Broadway, Suite 1416
New York, NY 10036
bgerstein@garwingerstein.com
btaus@garwingerstein.com
afornecker@garwingerstein.com

/s/ Christopher R. Farrell
Christopher R. Farrell